

Appln. No. 09/925,139  
Customer No. 36,441  
Response dated December 29, 2003

REMARKS

After entry of this amendment, the pending claims are claims 4-10, 12, 13, 15 and 21-29. Claims 1-3, 11, 14 and 16-20 are cancelled in an earnest effort to advance this prosecution. Claims 4, 6, 8 and 10 are amended to incorporate the features of claims 1 and 2 to clarify the subject matter of the invention. Claims 12 and 15 are amended to depend from now independent claim 4. New claims 21-29 are claims parallel to claims 12, 13 and 15, but made dependent on amended claims 6, 8 and 10.

These amendments are supported in the specification, and by the originally presented claims. In view thereof, no new matter is introduced by this amendment.

Any subject matter canceled from the claims by amendment is reserved for refiling in a continuation application filed during the pendency of this application. Applicants further affirm the correctness of the inventive entity in view of the cancellation of claims 1-3, 11, 14, and 16-20.

Rejections Under 35 USC §102(b) or (e) and/or §103(a)

Claims 1 and 2 are rejected as allegedly being anticipated by, or made obvious by, German Patent Publication No. DE 19731609 (Budzinski) or International Patent Application Publication No. WO01/71032 (Nagano).

The examiner asserts that Budzinski's SEQ ID NO: 11 and Nagano's SEQ ID NO: 16 have 100% identity with residues 1716-1732 and residues 1666-1686, respectively of Applicants' SEQ ID NO: 3. The examiner asserts that these sequences meet all structural limitations of claims 1 and 2 and would be considered, absent evidence to the contrary, to meet all functional limitations of claims 1 and 2.

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The examiner acknowledges that claims 4-10 and 12-15 are free of the prior art and allowable if rewritten in independent form.

Applicants respectfully request reconsideration and withdrawal of these rejections in view of the above amendments to the claims and the following remarks.

Applicants have amended claims 4, 6, 8 and 10 to incorporate the features of claims 1 and 2. As thus amended, these newly independent claims and their dependent claims are believed to be free of these rejections.

All rejections being satisfied by this amendment, Applicants request that the examiner pass this application to allowance in due course.

The Director is hereby authorized to charge any additional fees required with the filing of this paper or credit any overpayment in any fees to our deposit account number 08-3040.

Respectfully submitted,

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